



November 2, 1999

Mr. James Hines
Assistant General Counsel
Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2548

OR99-3092

Dear Mr. Hines:

You have asked whether certain information is subject to required public disclosure under the Public Information Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 128537.

The Office of the Governor (the "Governor's Office") received a request for a variety of information concerning legislative records of the Office of the Governor. Specifically, the requestor requests

[a]ccess to all legislative decision memos, or memos from gubernatorial staffers, advising Gov. George W. Bush whether to sign, veto or allow a bill to become law without his signature for all legislation to reach his desk, including the reasons for such decision, from Jan. 1, 1995 through July, 1, 1995.

In response to the request, you submit to this office for review a representative sample of the records at issue.¹ You assert that the submitted information is excepted from disclosure under sections 552.101,² 552.106(b) and 552.111 of the Government Code. We have considered the exceptions and arguments you have raised and reviewed the submitted information.

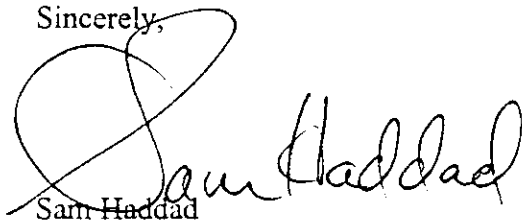
¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision No. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

²We note that although you raised section 552.101, you did not explain how this exception applies to the information at issue. Thus, we are unable to consider it. See Gov't Code § 552.301(b); Open Records Decision No. 363 (1983). Chapter 552 of the Government Code places on the custodian of public records the burden of establishing that records are excepted from public disclosure. Attorney General Opinion H-436 (1974).

Section 552.106(b) of the Government Code excepts from disclosure “[a]n internal bill analysis or working paper prepared by the governor’s office for the purpose of evaluating proposed legislation.” You state that “[t]he enclosed documents contain internal bill analysis, and thus fall within the ambit of 552.106(b).” Based on the records at issue and your representation, we agree that section 552.106(b) applies to the submitted information.³

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Haddad". The signature is fluid and cursive, with a large loop at the beginning.

Sam Haddad
Assistant Attorney General
Open Records Division

SH/nc

Ref.: ID# 128537

Encl. Submitted documents

cc: Ms. Lianne Hart
Los Angeles Times/Houston Bureau
440 Louisiana, Suite 2080
Houston, Texas 77002
(w/o enclosures)

³Generally, sections 552.106 and 552.111 were designed to achieve the same goals in different contexts. Open Records Decision No. 482 (1987). As we resolve your request under section 552.106(b), we need not specifically address your other claimed exception at this time.